

**REASSESSMENT OF STATE COURT PERFORMANCE IN
CHILDREN IN NEED OF PROTECTION OR SERVICES CASES**

Interview Guide

Judge or Court Commissioner

Date of interview: __/__/__
Judge or Surrogate: _____
County: _____
Interviewer: _____
Recorder: _____

1. Please tell me about how this court is organized to handle CHIPS/TPR cases and what your particular role is (e.g., percent of your time spent on CHIPS/TPR versus other cases; rotation policies; initial assignment)
 - a. Does one judge keep the case throughout the life of the case?

2. Do you have a philosophy about the judge's role versus that of the agency or other parties in these matters?

3. What is your practice of notifying parents of their right to an attorney?

4. Does your court appoint attorneys for the parents if needed?
 - a. What criteria do you use to decide what parents get court appointed attorneys?
 - b. What is your process for negotiating payment?
 - c. What is your pool of attorneys like?

5. What do you do to make sure attempts are made to involve fathers in a case?

6. What is your view of the adequacy of legal representation given to:
 - a. the county child welfare agency (DA or corporation counsel)?
 - b. the parents?
 - c. the child?

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7. Do you need to limit the time attorneys spend presenting their cases due to constraints on court time or high caseloads (1.2.5)?
 - a. Are you able to afford parents, agency and the child sufficient time to speak at hearings?
 - b. How about foster parents or other interested parties?
8. Do you have adequate support staff, computers and courtroom space to do the job? If no, please explain.
9. Do you have to reschedule hearings or grant continuances frequently?
 - a. Generally, for what reasons?
 - b. Is this problematic for getting cases resolved?
10. What is the quality and adequacy of the information available to the courts in child welfare cases (1.2.7)?
 - a. Do you receive accurate, sufficient and timely information from agency reports?
 - b. Is the Child Welfare representative able to answer additional questions?
 - c. How much time do you spend reading reports and preparing to hear an average case?
11. Do the specific requirements of ASFA and Title IV-E e.g., contrary to the welfare findings; hearings required within specific timeframes; notifications to specific parties, present a burden to the courts (1.2.9) ?
 - a. Which court practices or procedures have facilitated compliance with ASFA and Title IVE (1.2.5)?
 - b. What kinds of instances or practices make it difficult to comply?
 - c. How does the appeals process delay achieving permanency if at all?
 - d. Do you try to make sure that the agency complies with the 15 of 22 month petition requirement of ASFA? How?

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12. When children are given a permanency plan of alternate planned living arrangement, is there generally an adequate reason (1.2.1)?
 - a. Do you look for specific requirements before assigning such a plan? If so, what are the requirements you look for?

13. Do you have adequate training to understand the intricacies of state and federal requirements in these cases?
 - a. The state did not pass its Title IV-E review in part because judges did not make “contrary to the welfare” findings at the first court date and “reasonable efforts determinations” to finalize the permanency plan within 12 months of foster care entry. Any ideas about how to resolve in the future?

14. How effective is the relationship between the state court system and tribal court systems (1.2.10)?
 - a. What do you do to make sure that children with Indian background are identified early in the process? Whose responsibility is it? Have you had problems with identifying children late in the game?
 - b. Do tribal representatives regularly attend hearings for the Indian children?
 - c. Does the court notify tribal representatives of hearings involving Indian Youth; if so, how?

15. Do you use CCAP (automated information system) for any purposes? How does it meet your needs?
 - a. Do you get reports from CCAP? Would you like to?

16. Are there any changes or recommendations you would like to see regarding court performance in children in need of protection cases?

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Court Clerk

Date of interview: __/__/__
Court Administrator: _____
County: _____
Interviewer: _____
Recorder: _____

1. Please tell me how your court is organized to handle CHIPS/TPR cases.
2. Can you describe your role.
3. What is the court's practice of notifying parents of their right to an attorney?
4. Does your court appoint attorneys for the parents if needed?
 - a. What criteria do you use to decide what parents get court appointed attorneys?
 - b. What is your process for negotiating payment?
 - c. What is your pool of attorneys like?
5. Are there limitations or serious constraints in available court time inhibiting your ability to schedule timely hearings?
6. Do the specific requirements of ASFA and Title IV-E e.g., contrary to the welfare findings; hearings required within specific timeframes; notifications to specific parties, present a burden to the courts (1.2.9) ?
 - a. Which court practices or procedures have facilitated compliance with ASFA and Title IVE (1.2.5)?
 - b. What kinds of instances or practices make it difficult to comply?
 - c. Do you try to make sure that the agency complies with the 15 of 22 month petition requirement of ASFA? How?
7. How has CCAP affected your ability to manage cases?
 - a. Do you use reports from CCAP?
 - b. Is it your practice to cross reference a JC, TP and AD cases involving the same child? (Juvenile CHIPS, Termination of Parental Rights and Adoption)
 - c. Do you have recommendations on improving CCAP to make your work easier?

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8. Does the size of the court's caseload and availability of other resources such as courtroom space, support staff and computers affect its ability to do a good job? (1.2.5)? If yes, in what way?
9. Do you have issues with the court having to reschedule hearings due to someone's absence or lack of preparation?
 - a. If yes, what are they?
10. How effective is the relationship between the state court system and applicable tribal court systems (1.2.10)?
 - a. Do tribal representatives regularly attend hearings when Indian children are involved?
 - b. Does the court notify tribal representatives of hearings involving Indian Youth and if so, how?
11. Do you have adequate training to understand and resources to implement the procedural requirements (e.g., notifications, timing of hearings) of state and federal requirements in these cases?
12. Who prepares the orders in your office? Does this depend on the case type? How timely are the orders generated and signed by the judge?
13. Does the agency file its reports in a timely manner?
14. Are there any changes or recommendations you would like to see regarding court performance in children in need of protection cases?

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District Attorney or Corporation Counsel

Date of interview: __/__/__
County Attorney: _____
County: _____
Interviewer: _____
Recorder: _____

1. Please tell me about your particular role in children in need of protection cases.
2. What much discretion does the court have about matters such as legal representation of parents and children, the admissibility of evidence, and general rules for conducting proceedings? What is your view of this discretion and how it is exercised?
3. Are there limitations or serious constraints in available court time inhibiting
 - a. your ability to obtain a timely hearing?
 - b. your presentation of evidence and ability to make arguments (1.2.5)?
 - c. the ability to get a speedy ruling? Please explain.
4. Does the court's caseload and availability of other resources such as courtroom space, support staff and computers affect its ability to do a good job? (1.2.5)
 - a. If yes, in what way?
5. Given the constraints, if any, how well would you say the parties are treated? (1.2.5)
 - a. Are the primary parties (e.g., parents, agency, child) given an opportunity to speak?
 - b. Do other participants (e.g., service providers, foster parents) get to speak to the court?
6. How adequate is the legal representation you are able to provide:
 - a. How often do you and the human services agency disagree on whether a case should proceed?
 - b. How much time do you generally get to work with the agency in preparation for court?

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- c. Do you generally receive accurate, sufficient and timely information from agency reports?
 - d. Is the Child Welfare representative able to answer any additional questions?
 - e. In what percent of time do you get the results you seek?
7. What is your view of the adequacy of legal representation afforded:
- a. the parents?
 - b. the child?
8. Do you have issues with the court having to reschedule hearings due to someone's absence or lack of preparation?
- a. If yes, what are they?
9. Do you prepare the court orders? How timely are they? What is the process for doing that?
10. How effective is the relationship between the state court system and applicable tribal court systems (1.2.10)?
- a. Do tribal representatives regularly attend hearings for the Indian children involved in the state court system?
11. Do you think you have had adequate training to understand the intricacies of state and federal requirements including ASFA and Title IV-E in these cases?
12. Which court practices or procedures either facilitate or hinder compliance with state and federal laws governing protective proceedings? (1.2.5)?
13. Are there any changes or recommendations you would like to see regarding court performance in children in need of protection cases?

Parent's Attorney

Attorney: _____

County: _____

Interviewer: _____

Recorder: _____

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7. How adequate is the legal representation you are able to give your clients?
 - a. If you are appointed, how much control do you have over the number of cases you are assigned?
 - b. Does the size of your caseload inhibit your ability to adequately represent your clients?
 - c. How much time do you generally get to work with your clients prior to the hearing?
 - d. Do you receive agency reports in time to prepare an adequate argument on behalf of you clients? (e.g., never, not often, sometimes, often, almost always)
 - e. Is the Child Welfare representative available to answer any additional questions?
 - f. In what percent of time do you get the results you seek?

8. How adequate is the legal representation afforded:
 - a. the parents?
 - b. the child?

9. Do you have issues with the court having to reschedule hearings due to someone's absence or lack of preparation?
 - a. If yes, what are they?

10. Do you think you have had adequate training to understand the intricacies of state and federal requirements in these cases?

11. Which court practices or procedures have been successful in facilitating or hindering compliance with state and federal laws governing protective proceedings? (1.2.5)?

12. Are there any changes or recommendations you would like to see regarding court performance in children in need of protection cases?

13. How effective is the relationship between the state court system and applicable tribal court systems (1.2.10)?
 - a. Is your client a member of an American Indian Tribe? If so, was the tribal court notified of a hearing involving an Indian youth?

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6. Do you receive accurate, sufficient and timely information from agency reports?
 - a. Is the Child Welfare representative able to answer any additional questions?
 - b. In what percent of time do you get the results you seek?

7. Do you think you have had adequate training to perform your job, particularly as it relates to state and federal requirements in these cases?

8. Are there any changes or recommendations you would like to see regarding court performance in children in need of protection cases?

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Caseworker/CW Supervisor

Date of interview: __/__/__
Caseworker/Supervisor: _____
County: _____
Interviewer: _____
Recorder: _____

1. What is your role at the agency? How frequently do you appear in court?
2. Are the cases you are involved with generally able to receive a timely hearing?
 - a. Are you able to get speedy rulings?
 - b. How often are your cases continued due to lack of time?
 - c. Have continuances created a problem?
3. Do you think the court has adequate resources such as courtroom space, support staff and computers to do a good job? (1.2.5)?
 - a. If yes, in what way? b. If not, why?
4. How well would you say the parties are treated in court? (1.2.5)?
 - a. Do you have adequate time to present the agency's recommendations?
 - b. Are other parties such as the parents or child given an opportunity to speak?
 - c. Is time allotted for other participants (e.g., service providers, foster parents) to speak to the court?
5. What is your view of the adequacy of legal representation the county receives?
 - a. Would you say the agency or the public defender (county attorney) has more say in determining whether a case should proceed?
 - b. How much time do you generally get to work with the attorney in preparation? Is this adequate?
 - c. In what percent of time do you get the results you seek?
6. What is your view of the adequacy of legal representation afforded:
 - a. the parents?
 - b. the child?

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7. Do you have issues with the court having to reschedule hearings due to someone's absence or lack of preparation?
 - a. If yes, what are they?

8. How effective is the relationship between the state court system and applicable tribal court systems (1.2.10)?
 - a. Do tribal representatives regularly attend hearings for the Indian children involved in the state court system?

9. Do you think the court understands state and federal requirements in ASFA and Title IV-E, e.g., need for permanency plan hearings or to make contrary to the welfare findings? Is there an effective process for filing TPR petitions at 15 out of 22 months or are exceptions documented in the case plans?

10. Which court practices or procedures have been either helped or hindered compliance with these state and federal laws? (1.2.5)?

11. Are there any changes or recommendations you would like to see regarding court performance in children in need of protection cases?

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Foster Parent

Date of interview: _ _ / _ _ / _ _
Foster Parent: _____
County: _____
Interviewer: _____
Recorder: _____

1. How long have you been a foster parent? About how many children have you cared for?
2. How frequently do you appear in court?
 - a. What kinds of hearings do you usually attend?
3. Are you given a lot of notice before coming to court?
4. How well would you say the parties are treated in court? (1.2.5)?
 - a. Are you called upon to speak generally?
 - b. If you want to speak are you permitted?
5. Do you think the child is well represented in court?
6. What about the parents?
7. Generally do you agree with the results of the court hearings? Please explain.
8. Are there any changes or recommendations you would like to see regarding court performance in children in need of protection cases?

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Biological/Step Parent

Date of interview: _ _ / _ _ / _ _
Parent: _____
County: _____
Interviewer: _____
Recorder: _____

1. How are you involved with child protective services? Where is your child now?
2. Have you appeared in court in relation to your child?
 - a. How many times?
 - a. What kinds of hearings did you attend?
3. Were you given sufficient notice before coming to court?
4. Do you have an attorney?
 - a. Did you find the attorney yourself or was he or she appointed?
 - b. Who is paying for the attorney?
5. Do you get to meet with the attorney as much as you think is necessary?
6. Are you or the attorney able to get the information you think you need from the agency about your child?
7. Does your child have a GAL or his/her own attorney?
8. How well is your attorney treated in court? (1.2.5)?
 - a. Does he/she have sufficient time to speak?
 - b. Does he/she represent what you want said?
9. Do you get a chance to speak if you want to?

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- 10 Generally do you agree with the results of the court hearings? Please explain.
11. Are there any changes or recommendations you would like to see regarding court performance in children in need of protection cases?

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Other Involved Parties Interview Guide (e.g., Psychologist, Service Provider)

Date of interview: _ _ / _ _ / _ _
Party: _____
County: _____
Interviewer: _____
Recorder: _____

1. What is your position and how are you involved in child protection proceedings?
2. How frequently do you appear in court?
 - a. What kinds of hearings do you usually attend?
3. Are you given a lot of notice before coming to court?
4. Do you think the court has adequate resources such as courtroom space, support staff and computers to do a good job? (1.2.5)?
 - a. If yes, in what way? b. If not, why?
5. How well would you say the parties are treated in court? (1.2.5)?
 - a. Are you called upon to speak generally?
 - b. If you want to speak are you permitted?
6. Do you think the child is well represented in court? Please explain.
7. What about the parents? Please explain.
8. Generally do you agree with the results of the court hearings? Please explain.
9. Are there any changes or recommendations you would like to see regarding court performance in children in need of protection cases?

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Tribal Representative

Date of interview: __/__/__
Representative: _____
County: _____
Interviewer: _____
Recorder: _____

1. What is your role in representing Native American children in court?
2. Are child protective matters generally handled in this court or are there tribal courts as well? When would you come to this court?
3. Do you think the court is familiar with the Indian Child Welfare Act and its requirements? Please explain.
4. How effective is the relationship between the state court system and applicable tribal court systems (1.2.10)?
 - a. Do tribal representatives regularly attend hearings for the Indian children involved in state court?
5. Do the children you represent get enough court time to get a full and adequate hearing? Please explain.
6. Are you able to get the information you need from the child welfare agency to do your job? Please explain.
7. How well would you say the parties are treated in court? (1.2.5)?
 - a. Are people given an opportunity to speak?
 - b. Are the parties well represented?
8. Are there any changes or recommendations you would like to see regarding court performance in children in need of protection cases?